

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 947

Introduced by Assembly Member Jackson

February 20, 2003

An act to amend Sections 36200 and 36201 of Section 36201 of, and to add Chapter 6.5 (commencing with Section 36550) to Division 27 of, the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 947, as amended, Jackson. Natural resources: California Ocean Resources Management Act of 1990.

Existing law establishes a coordinated program of ocean resources planning and management in order to ensure the conservation and development of ocean resources consistent with the purposes of the California Ocean Resources Management Act of 1990. Existing law provides that the California Ocean Resources Management Plan consists of the Ocean Resources Task Force, the California Ocean Resources Advisory Committee, and a specified report and plan.

This bill would, ~~in conjunction with the coordinated program of resources planning and management, establish a coastal erosion policy. The bill would provide that the California Ocean Resources Management Plan also consists of only the State Coastal Sediment Management Task Force and the Coastal Erosion Policy Report, but would not provide for the task force's or the report's creation~~ *specified report and plan, and the California Coastal Sediment Management Master Plan (Master Plan), which the bill would require the Department of Boating and Waterways, the State Coastal Conservancy,*

and the California Coastal Commission, in cooperation with the United States Army Corps of Engineers and interested parties, to complete within 2 years. The bill would require that the Master Plan provide information for understanding California's coastal erosion problems and identify strategies to address them.

The bill would require state agencies to use 5 principles related to coastal erosion, in planning, constructing, or authorizing coastal protection and erosion control projects.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 36200 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~36200.—To ensure the conservation and development of ocean~~
4 ~~resources consistent with purposes of this division, a coordinated~~
5 ~~program of ocean resources planning and management , and a~~
6 ~~coastal erosion policy, are established.~~

7 ~~SEC. 2.—~~

8 *SECTION 1.* Section 36201 of the Public Resources Code is
9 amended to read:

10 36201. The California Ocean Resources Management
11 Program consists of ~~all~~ *both* of the following:

12 ~~(a) The Ocean Resources Task Force.~~

13 ~~(b) The California Ocean Resources Advisory Committee.~~

14 ~~(c) The State Coastal Sediment Task Force.~~

15 ~~(d)~~

16 (a) The report and plan prepared and adopted pursuant to
17 Chapter 6 (commencing with Section 36500).

18 ~~(e) The Coastal Erosion Policy Report.~~

19 (b) *The California Coastal Sediment Management Master*
20 *Plan prepared pursuant to Article 2 (commencing with Section*
21 *36560) of Chapter 6.5.*

22 *SEC. 2. Chapter 6.5 (commencing with Section 36550) is*
23 *added to Division 27 of the Public Resources Code, to read:*
24

CHAPTER 6.5. COASTAL EROSION AND SEDIMENTS

Article 1. General Principles of Coastal Erosion Planning and Response

36550. The following five principles shall be used by state agencies as the order of preference, with subdivision (a) being of the highest preference, down to subdivision (e) being of the the lowest preference, in planning, constructing, or authorizing coastal protection and erosion control projects:

(a) Hazard avoidance for new or modified development. Construction of new structures and coastal facilities in areas subject to high geologic hazard shall be avoided. New structures and facilities located in areas known to be subject to high geologic hazard shall be expendable or movable. Measures shall be taken to minimize human-induced erosion by reducing concentrated surface runoff from use areas, elevated groundwater levels from irrigation and urbanization, and surface disturbance of blufftop soils.

(b) Natural sources of sediment for the coast. Whenever feasible, barriers to natural sources of sand leading from coastal watersheds to beaches shall be reduced or eliminated and sand flow currently restricted by dams or other structures shall be reestablished. Developments within coastal watersheds shall meet the following conditions, consistent with water quality and habitat protection requirements:

(1) Whenever feasible, the development, together with adjacent developments allowed under local or regional land use regulations, may not reduce the quality or quantity of the natural supply of sediment to the coastline.

(2) Whenever feasible, the development shall include measures to ensure a natural rate of sediment supply.

(3) The development shall be consistent with any existing regional plan within the watershed in which the development is planned.

(c) (1) Regional beach nourishment. In cases where development is threatened, regional beach nourishment shall be considered for restoring and enhancing narrowed beaches to minimize an erosion threat. The following criteria shall be used for evaluating the feasibility of beach nourishment projects:

1 (A) Whether nourishment will not significantly adversely affect
2 other areas or developments along the coast, cultural and
3 paleontological resources, or living marine resources or their
4 habitats.

5 (B) Whether the nourishment project is complemented by other
6 nonstructural methods to lengthen the life of beach nourishment
7 and reduce any adjacent bluff retreat and subsequent failures, such
8 as by reducing rates of groundwater infiltration and surface water
9 runoff within these areas.

10 (C) Whether measures are included to encourage regional
11 coordination to maximize the effectiveness of the operation within
12 the littoral cell being restored or nourished.

13 (D) Whether sand is deposited directly onto a beach or in the
14 nearshore in an appropriate manner for effective beach
15 nourishment and in a manner that protects significant natural
16 resources and public access.

17 (E) Whether suitable beach nourishment material may be
18 available from offshore dredging or onshore grading and
19 excavation operations. If this potential beach material meets state
20 and federal size and composition guidelines, it should be
21 considered for beach nourishment activities.

22 (2) When beach nourishment is unnecessary, infeasible, or
23 inappropriate at the time of sediment removal, the sand component
24 of the material should be stored for eventual use for beach
25 nourishment, provided that suitable locations are available and
26 steps are taken to protect both significant natural resources and
27 public access at those locations.

28 (3) In those instances where quantity, size, distribution, or
29 composition of dredged or excavated material limits its use, the
30 value of the material should be optimized by using it as a mineral
31 resource, construction material, or material for other forms of
32 habitat restoration.

33 (d) Development relocation or elimination. Whenever feasible,
34 the relocation of development from high geologic hazard areas
35 shall be encouraged.

36 (e) Hard protection devices. Structural protection and
37 re-protection of new and existing development shall be limited to
38 when all of the following conditions are met:

39 (1) Nonstructural projects have been deemed infeasible,
40 ineffective, or inadequate without a structural complement.

(2) A report by a registered and licensed engineer demonstrates a risk from coastal erosion. Further, conclusive evidence is presented in a report by a registered and licensed civil engineer that the proposed protection device is designed and may be constructed and maintained to withstand the specified design criteria that reflect the range of conditions that exist at the project site, and will successfully mitigate the effects of coastal erosion while minimizing the significant effects of the project on other sections of the shoreline. Evidence is also presented that the proposed structure will not cause erosion of adjacent properties, and, consequently, potentially lead to further hardening of the coastline.

(3) The project is consistent with the erosion solutions presented in the certified local coastal plan or other regional coastal management plan that identifies and comprehensively addresses regional coastal hazard issues.

(4) The project will not have a significant adverse effect on other areas or developments along the coast, cultural and paleontological resources, or living marine resources or their habitats.

(5) There will be no net reduction in public access to, and use and enjoyment of, the natural coastal environment, and construction of a protection device will preserve, enhance, or provide access to related public recreational lands or facilities.

(6) Measures are included to ensure that the protection device can and will be maintained to fulfill its intended purpose and to specify the removal of the protection device if the device fails to function as designed, is not maintained, or is no longer necessary.

(7) When appropriate, other nonstructural measures are included that will complement the use of the hard protection device, such as beach nourishment.

Article 2. Preparation of California Coastal Sediment Management Master Plan

36560. The Department of Boating and Waterways, the California Coastal Commission, and the State Coastal Conservancy, in cooperation with the United States Army Corps of Engineers and interested parties, shall complete a California Coastal Sediment Management Master Plan (Master Plan) within

1 two years. The Master Plan shall provide information for
2 understanding the coastal erosion problems California faces and
3 identify strategies for the most effective and efficient ways to begin
4 addressing them. To the extent possible, the Master Plan shall use
5 existing sources of information and do at least all of the following:
6 (a) Identify, on a regional basis, the coastal areas most
7 threatened by erosion and geologic hazards.
8 (b) Identify regional strategies for addressing these threatened
9 coastal areas, consistent with the general principals identified in
10 Section 36550.
11 (c) Identify and assess the adequacy of existing legal and
12 planning measures at all levels of government to address these
13 threatened areas and to respond to other sediment management
14 issues in each region.
15 (d) Identify, catalogue, and help provide access to relevant
16 information sources for each region.
17 (e) Develop clear scientific standards for the beneficial use of
18 sediments to support beaches by evaluating varying
19 oceanographic conditions, necessary sand grain size for beach
20 nourishment, and potential adverse impacts to marine life and
21 their habitats.
22 (f) Identify research necessary to apply state-of-the-art
23 methods to address coastal erosion.
24 (g) Identify ways to maximize the benefits of California's fiscal
25 participation in addressing coastal erosion.

